



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET - 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

TOM BURNS, PLANNING DIRECTOR

February 12, 2008

Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Agenda Date: March 26, 2008
APN: 089-011-16
Application: 07-0523
Item 12

Subject: A public hearing to consider a proposal to rezone one parcel from the Special Use (SU) zone district to the Timber Production (TP) zone district.

Members of the Commission:

On September 13, 2007, the County Planning Department accepted this application for a rezoning to Timber Production (TP). This is a proposal to rezone 26 acres from the Special Use (SU) zone district to the Timber Production (TP) zone district. The uses on the property consist of vacant rural acreage.

Background

This project qualifies for a rezoning under California Government Code Section 51113. This section allows a property owner to petition the County to rezone land to the TP zone. The requirements for this type of rezoning are listed in Government Code section 51113(c)¹. The County may not place any additional requirements on this petition to rezone the property to TP. County Code Section 13.10.375(c) – "Zoning to the TP District" implements Government Code section 51113 and specifies the six criteria which must be met in order to rezone to TP.

¹ c) On or before March 1, 1977, the board or council by ordinance shall adopt a list of criteria required to be met by parcels being considered for zoning as timberland production under this section.

The criteria shall not impose any requirements in addition to those listed in this subdivision and in subdivision (d). The following shall be included in the criteria:

(1) A map shall be prepared showing the legal description or the assessor's parcel number of the property desired to be zoned.

(2) A plan for forest management shall be prepared or approved as to content, for the property by a registered professional forester.

The plan shall provide for the eventual harvest of timber within a reasonable period of time, as determined by the preparer of the plan.

(3) (A) The parcel shall currently meet the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the forest practice rules adopted by the State Board of Forestry and Fire Protection for the district in which the parcel is located, or the owner shall sign an agreement with the board or council to meet those stocking standards and forest practice rules by the fifth anniversary of the signing of the agreement. If the parcel is subsequently zoned as timberland production under subdivision (a), failure to meet the stocking standards and forest practice rules within this time period provides the board or council with a ground for rezoning of the parcel pursuant to Section 51121.

(B) Upon the fifth anniversary of the signing of an agreement, the board shall determine whether the parcel meets the timber stocking standards in effect on the date that the agreement was signed.

Notwithstanding the provisions of Article 4 (commencing with Section

51130), if the parcel fails to meet the timber stocking standards, the board or council shall immediately rezone the parcel and specify a new zone for the parcel, which is in conformance with the county general plan and whose primary use is other than timberland.

(4) The parcel shall be timberland, as defined in subdivision (f) of Section 51104.

(5) The parcel shall be in compliance with the compatible use ordinance adopted by the board or council pursuant to Section 51111.

(d) The criteria required by subdivision (c) may also include any or all of the following:

(1) The land area concerned shall be in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and shall be comprised of single or contiguous parcels of a certain number of acres, not to exceed 80 acres.

(2) The land shall be a certain site quality class or higher under

Section 434 of the Revenue and Taxation Code, except that the parcel shall not be required to be of the two highest site quality classes.

In accordance with County Code Section 13.10.375(c), the project meets the following six criteria for rezoning to Timber Production:

1. A map has been submitted with the legal description or assessor's parcel number of the property to be rezoned.
2. A Timber Management Plan, undated, prepared by a registered professional forester has been submitted for the property (Exhibit E).
3. The parcel currently meets the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the Forest Practice Rules for the district in which the parcel is located (see Exhibit E).
4. The parcel is timberland, as the entire parcel is capable of producing a minimum of 15 cubic feet of timber per acre annually and is almost entirely located within a mapped Timber Resource area.
5. The uses on the parcel are in compliance with the Timber Production Zone uses set forth in Section 13.10.372.
6. The land area to be rezoned is in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and is comprised of at least five acres in area.

This project qualifies for a statutory exemption (Exhibit D) in accordance with the California Environmental Quality Act and the County Environmental Review Guidelines (Article 17, Section 1703).

Conclusion

All of the criteria have been met for rezoning the parcel to the Timber Production zoning designation. All required findings can be made to approve this application and the rezoning is consistent with the General Plan policies and land use designations.

Recommendation

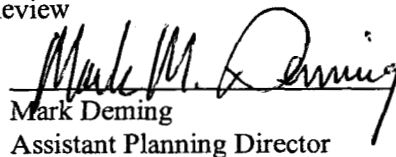
Staff recommends that your Commission adopt the attached Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application No. 07-0523 based on the attached findings (Exhibit B).

EXHIBITS

- A. Planning Commission Resolution, with Ordinance/ Findings
- B. APN Map
- C. Location, Current Zoning and General Plan Designation Maps
- D. Notice of Exemption from CEQA
- E. Timber Management Plan by Joseph Culver, RPF #2674, dated September 7, 2007.

Maria Porcila Perez
Project Planner
Development Review

Reviewed By:


Mark Deming
Assistant Planning Director

BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. _____

On the motion of Commissioner
duly seconded by Commissioner
the following Resolution is adopted:

PLANNING COMMISSION RESOLUTION
SENDING RECOMMENDATION TO THE BOARD OF SUPERVISORS
ON PROPOSED AMENDMENT TO THE ZONING ORDINANCE

WHEREAS, the Planning Commission has held a public hearing on Application No. 07-0523, involving property located on east and west sides of Skyview Road, approximately 1.5 miles from the intersection with Deer Creek Road, and the Planning Commission has considered the proposed rezoning, all testimony and evidence received at the public hearing, and the attached staff report.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends that the Board of Supervisors adopt the attached ordinance amending the Zoning Ordinance by changing property from the Special Use (SU) zone district to the Timber Production (TP) zone district.

BE IT FURTHER RESOLVED, that the Planning Commission makes findings on the proposed rezoning as contained in the Report to the Planning Commission.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this _____ day of _____, 2008, by the following vote:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

Chairperson

ATTEST: _____
MARK DEMING, Secretary

APPROVED AS TO FORM:

COUNTY COUNSEL

ORDINANCE NO. _____

**ORDINANCE AMENDING CHAPTER 13
OF THE SANTA CRUZ COUNTY CODE
CHANGING FROM ONE ZONE DISTRICT TO ANOTHER**

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

The Board of Supervisors finds that the public convenience, necessity and general welfare require the amendment of the County Zoning Regulations to implement the policies of the County General Plan and Local Coastal Program Land Use Plan regarding the timber resource property located on east and west sides of Skyview Road, approximately 1.5 miles from the intersection with Deer Creek Road; finds that the zoning to be established herein is consistent with all elements of the Santa Cruz County General Plan and the Santa Cruz County Code, as modified by the *Big Creek* decision; and finds and certifies that the project is subject to a statutory exemption under the California Environmental Quality Act.

SECTION II

The Board of Supervisors hereby adopts the Zoning Plan Amendment as described in Section III, and adopts the findings in support thereof without modification as set forth below:

1. The proposed zone district will allow a density of development and types of uses which are consistent with the objectives and land use designations of the adopted General Plan; and
1. The proposed zone district is appropriate for the level of utilities and community services available to the land; and
2. The character of development in the area where the land is located has changed or is changing to such a degree that the public interest will be better served by a different zone district; and
3. The property meets the requirements of Government Code section 51113 or 51113.5 and County Code Section 13.10.375(c).

EXHIBIT A

SECTION III

Chapter 13.10 - Zoning Regulations of the Santa Cruz County Code is hereby amended by amending Section 13.10.210 - Zoning Plan to change the following properties from the existing zone district to the new zone district as follows:

<u>Assessor's Parcel Number</u>	<u>Existing Zone District</u>	<u>New Zone District</u>
089-011-16	Special Use (SU)	TP

SECTION IV

This ordinance shall take effect on the 31st day after the date of final passage.

PASSED AND ADOPTED THIS _____ day of _____ 2008, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairman of the Board of Supervisors

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:

Assistant County Counsel

Exhibit: Rezoning Map

DISTRIBUTION: County Counsel
 Planning
 Assessor
 County

GIS

FOR TAX PURPOSES ONLY

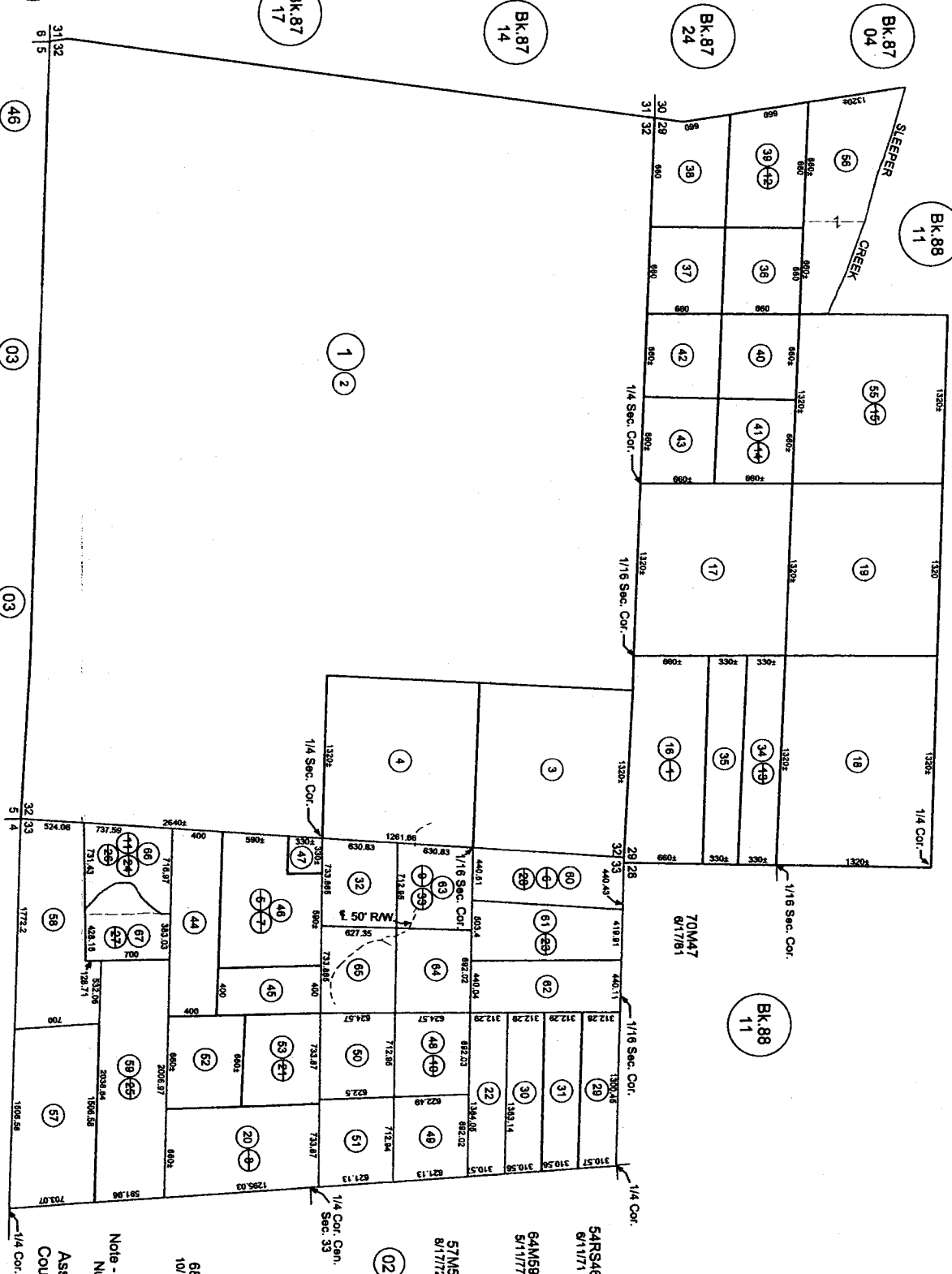
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POR. SECS. 29, 32 & 33, T.8S., R.2W., M.D.B. & M.

Tax Area Code
90-109

89-01

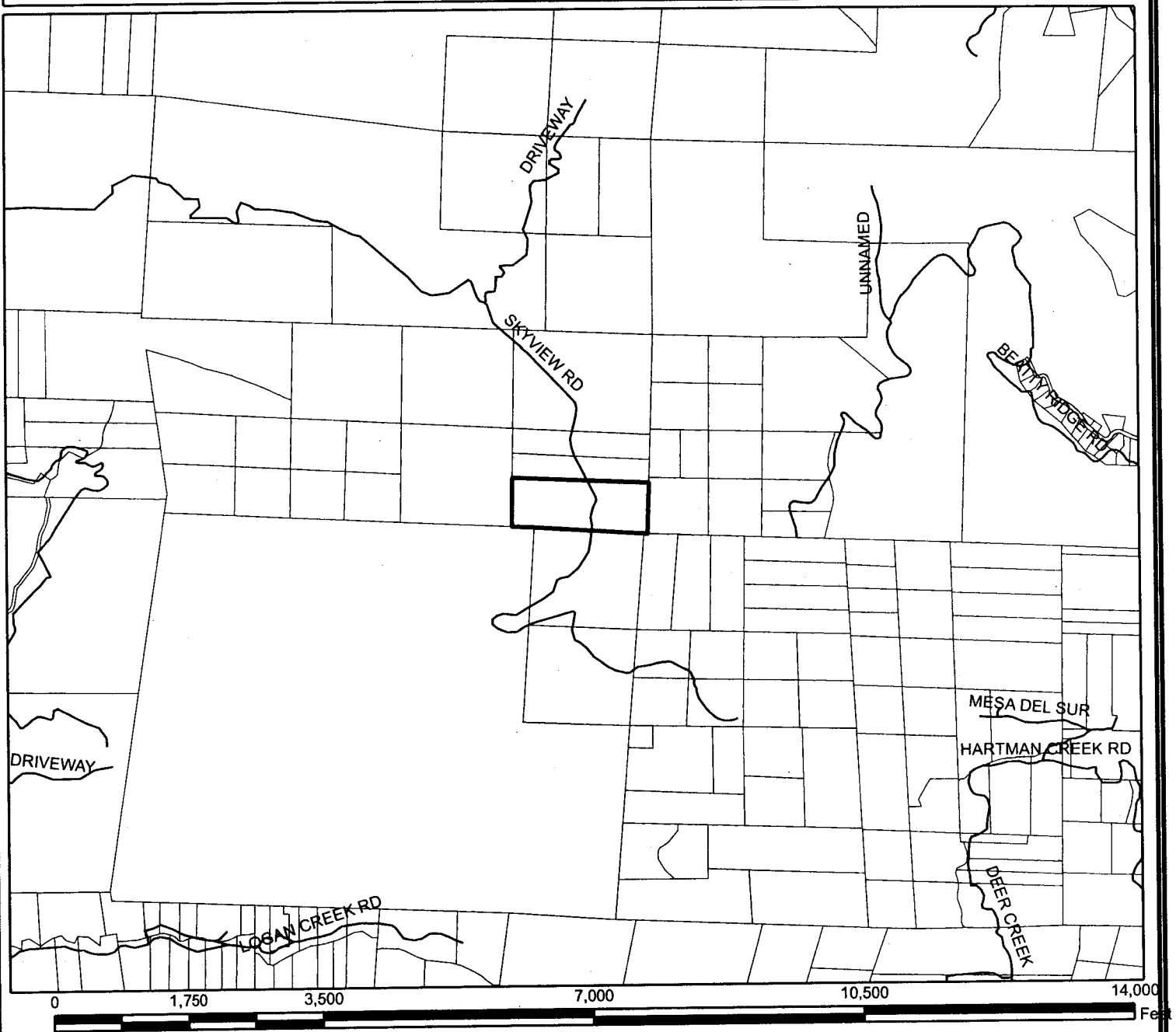
Electronically Redrawn 12/02/99 mmv
Rev. 9501 mmv (changed page title)
Rev. 02/02 DO (changed T.8S)
Rev. 7/28/05 mmv (added pg refs.)
Rev. 8/2/05 mmv (S-0027856 & 7, LBA 1-86 & 67)






Note - Assessor's Parcel & Block
Numbers Shown in Circles.
Assessor's Map No. 89-01
County of Santa Cruz, Calif.
Dec. 1999

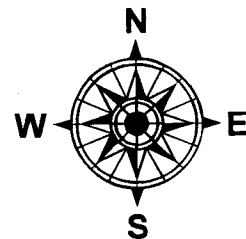


Location Map



LEGEND

-  APN: 089-011-16
-  Assessors Parcels
-  Streets

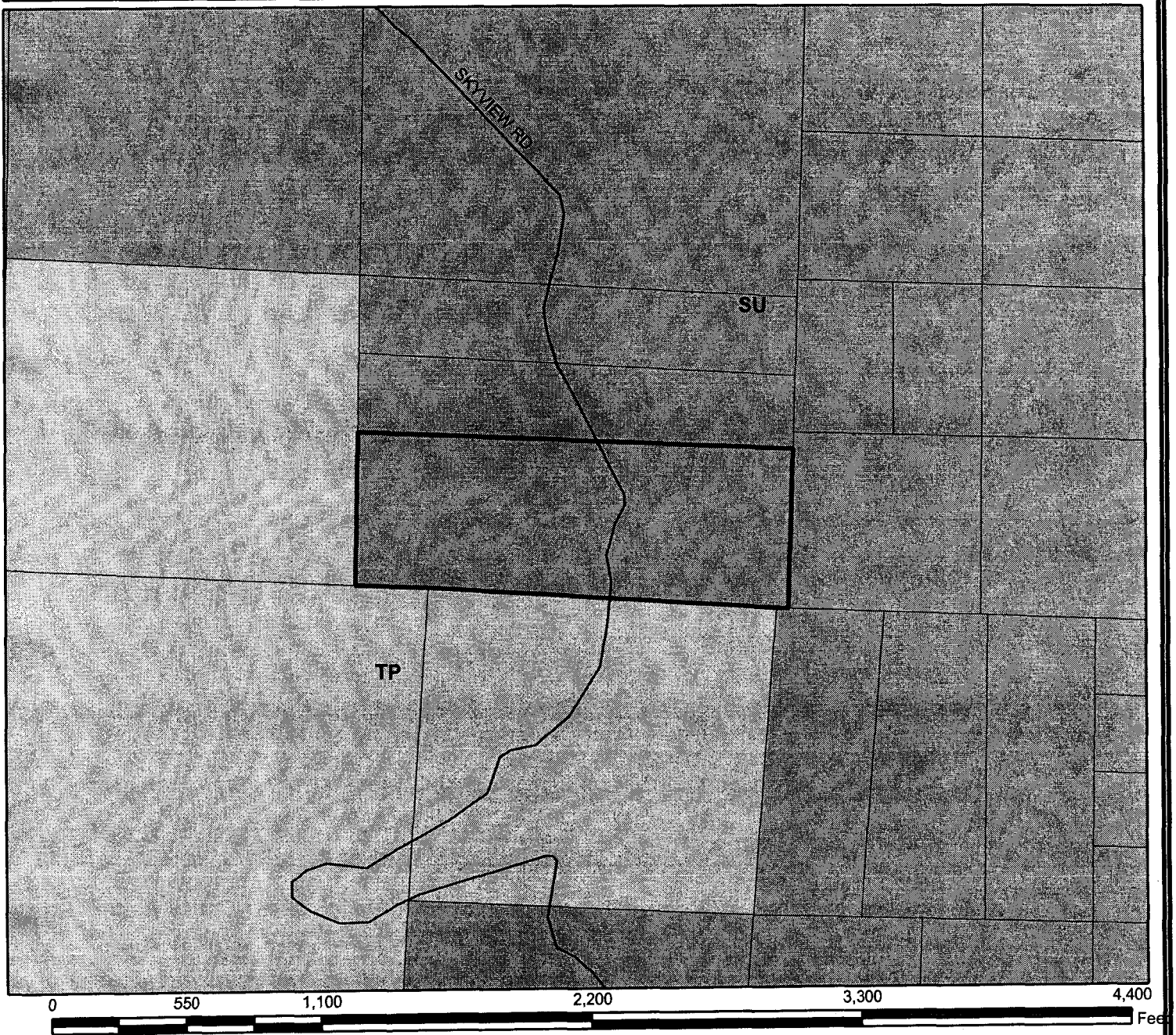


Map created by
County of Santa Cruz
Planning Department
August 2007






EXHIBIT C

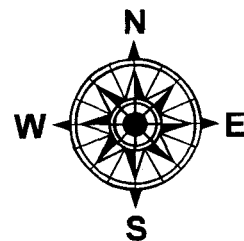


Zoning Map



LEGEND

-  APN: 089-011-16
-  Assessors Parcels
-  Streets
-  SPECIAL USE
-  TIMBER PRODUCTION

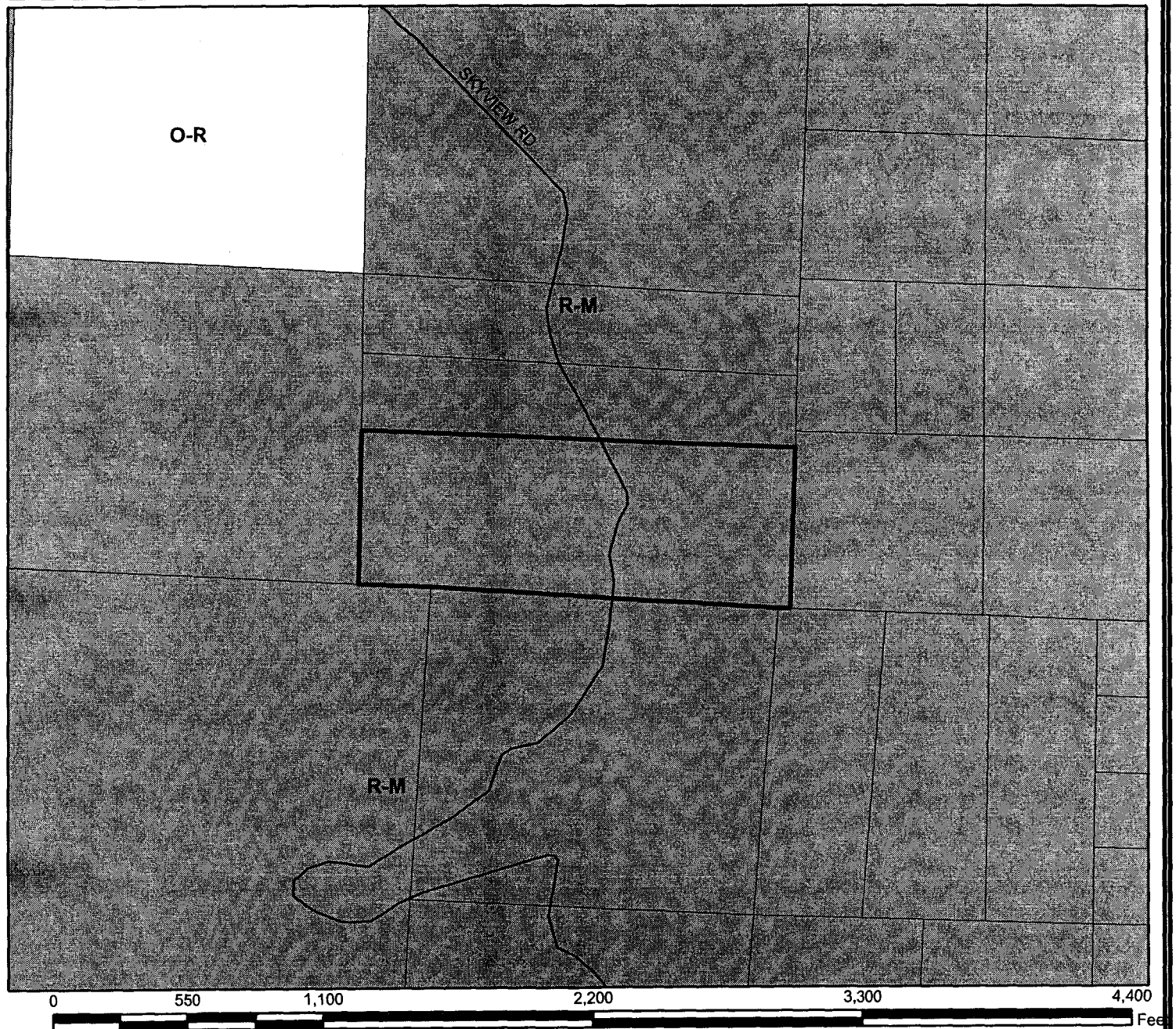


Map created by
County of Santa Cruz
Planning Department
August 2007





EXHIBIT C

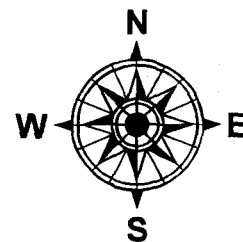


General Plan Designation Map



LEGEND

-  APN: 089-011-16
-  Assessors Parcels
-  Streets
-  Residential-Mountain
Parks and Recreation



Map created by
County of Santa Cruz
Planning Department
August 2007

EXHIBIT C

CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 07-0523

Assessor Parcel Number: 089-011-16

Project Location: Property located on east and west sides of Skyview Road, approximately 1.5 miles from the intersection with Deer Creek Road.

Project Description: Rezone a parcel from the Special Use (SU) zone district to the Timber Production (TP) zone district.

Person or Agency Proposing Project: Joseph Culver

Contact Phone Number: (831) 359-5989

- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.
- B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
- C. ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
- D. ☒ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285). [Section 1703]

In addition, none of the conditions described in Section 15300.2 apply to this project.

Maria Porcila Perez, Project Planner

Date: _____

Timber Management Plan

**Lands of Chodorow
Skyview Road
Santa Cruz County**

**APN# 089-011-16
Portion of Section 29
Township 8 South
Range 2 West
Mount Diablo Base & Meridian**

**Report Prepared By
Joseph Culver, Consulting Forester
September 7, 2007**

PREFACE

In August 2007 Joseph Culver, Consulting Forester was commissioned by Joan Chodorow to prepare a Timber Management Plan for APN #089-011-16. The county assessor lists the parcel as 26.0 acres in size. Ms. Chodorow would like to rezone the parcel to Timber Production and the TMP will be part of an application packet submitted to the County of Santa Cruz. The management plan incorporates field work and currently available resource data.

GENERAL PROPERTY DESCRIPTION

The parcel is located in the northern portion of Santa Cruz County approximately six miles northeast of the community of Boulder Creek. The property is split by a prominent ridge with the western portion draining into the Kings Creek Watershed and the remainder of the property draining into the Deer Creek Watershed. Slopes fall steeply from both sides of the north/south trending ridge. Small seasonal watercourses appear to flow following winter storm events but no perennial surface water source is located on the property.

Elevation ranges from 1560 feet in the northwest corner to just over 2000 feet along the prominent ridge. The legal description of the parcel is Township 8 South, Range 2 West, portion of section 29. Timber site classification throughout the timbered portions of the property is site III, with average site III on the western slope and low site III along the ridge and eastern slope.

The entire property is comprised of a mixed coniferous/hardwood forest. The forest contains a fairly even distribution of second growth Douglas-fir. Larger Douglas-fir trees (up to 40 inches in diameter) are located along the western slope while the tree size becomes smaller along the ridge and eastern slope. Hardwood species of coastal live oak, madrone, bay and tanoak are also interspersed throughout the stand. A higher component of the hardwood species is found along the ridge and eastern slope. Understory species through the property are typical and include tanoak seedlings, hazel, California blackberry, poison oak, bracken fern and wild rose.

The property is underlain by Ben Lomond sandy loam. This deep, well-drained soil formed in residuum derived from sandstone or granitic rock. Some areas extend from ridgetops to streams, but most are near the ridges. Permeability of this Ben Lomond soil is moderately rapid and effective rooting depth is 40 to 60 inches. This soil is used mainly for timber production, recreation, wildlife habitat, and watershed. According to the Natural Resource Conservation Service this soil is well suited to the production of Douglas fir.

TIMBER HARVEST HISTORY

This property was most likely logged approximately 100 years ago when old-growth logging occurred in the Santa Cruz area. No old redwood stumps are present on the property which indicates that redwood has not grown on the property in historic times. Cut Douglas-fir stumps generally rot away in about 50 years so no old stumps are present on the property. The estimated logging date is based on historical knowledge of local harvesting and the age of the existing trees. The property does not appear to have been commercially harvested since the original clear-cut.

MANAGEMENT OBJECTIVES AND GOALS

Once the property is rezoned, Ms. Chodorow intends to manage the forest land for high quality forest products, while maintaining the related values of aesthetics and wildlife. As there has been no harvesting on the property for over 100 years the Douglas-fir stand is mature and could be selectively harvested at any time in the near future. Although State law allows for a harvest every 10 years, due to the small size of the timbered area it is recommended that future harvesting be spaced at a 15-20 year interval to maximize the volume removed in each harvest. Ms. Chodorow should also track the Douglas-fir market to ensure that when logging occurs, prices are high enough to provide an economic return. Future harvests should focus on the following objectives:

1. Prescribe and implement a forest improvement program to improve stocking, increase tree vigor and maximize growth.
2. Maintain a healthy and vigorous forest of well-spaced trees growing at the highest rates feasible considering the other values of the forest.
3. Maintain a high degree of aesthetic consideration during all aspects of forest management.
4. Maintain wildlife habitat as part of continuing forest management.

RECOMMENDED LOGGING SYSTEM

As the property has not been commercially harvested for over 100 years, appropriate harvesting infrastructure will be developed during preparation of a Timber Harvest Plan.

PRESENT AND FUTURE STAND CONDITIONS

In August of 2007 a 5% timber inventory was conducted on the property to determine conifer volume per acre, species composition, basal area, stocking levels and stand growth. Based on the stand data gathered from the inventory, the 26 acres of coniferous forest have the following approximate stand conditions:*

Species Composition	100% second growth Douglas-fir
Basal Area	84 square feet per acre
Gross volume/acre (Douglas-fir)	9,600 board feet
Gross Overall property volume	249,600 board feet

The volume per acre and overall property volume stated previously are gross volumes. In general, the net volume will be about 14% less due to the presence of conk in many of the butt logs and other minor defects in the standing timber. The overall net conifer volume on the property is approximately 214,700 board feet.

Increment boring data gathered during the timber inventory combined with general tree growth rates in the Santa Cruz Mountains indicate that the conifer component of the forest is growing at an approximate rate of 2.5% per year. This growth rate is below the average for managed stands of second growth trees as the property has not been recently harvested. A growth rate of 2.5% per year equates to an annual increase in the conifer resource of 6,240 board feet over the entire property. Converting this figure to cubic feet gives a current growth rate of 520 cubic feet over the entire property, or 20 cubic feet per acre per year. This exceeds the required average of 15 cubic feet per acre per year to classify a property as timberland.

**Limitation: This data is based on a field sample and an extrapolated growth rate for the previous ten years. The estimated volume is accurate to plus or minus 5,000 board feet per acre with a 67% confidence interval. This data should only be used as a guide for management purposes, and should not be extended or taken out of context for other purposes.*

OTHER PROPERTY USES

The property is currently used as wildlife habitat and watershed. There are no improvements on the property.

CONCLUSION

The property is well suited for timber management into the future. The forest resource is currently healthy but growth rates have begun to decline due to overstocked stand conditions. Ms. Chodorow has indicated that she wants to maintain the ability to manage the timber resource and stand conditions warrant a harvest in the near future.

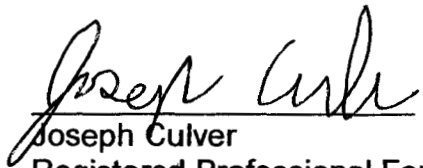
TIMBER STOCKING: To rezone a property to the "Timber Production" zoning a property must meet the timber stocking standards set forth in Section 4561 of the Public Resources Code. Section 4561 states in part that "The average residual basal area, measured in stems one inch or larger in diameter.....in areas which the registered professional forester has determined are site II classification or lower, the minimum average residual basal area shall be 50 square feet per acre. Rock outcroppings and other areas not normally bearing timber shall not be considered as

requiring stocking." The average basal area in the timbered portions of the property is 84 square feet and therefore meets the stocking standards.

TIMBERLAND: To rezone a property to the "Timber Production" zoning a property must meet the definition of timberland. Section 51104 of the California Code states that "Timberland means privately owned land.....capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre." The property proposed for rezoning is capable of growing an annual average volume of wood fiber of 20 cubic feet per acre in the conifer component of the stand and therefore meets the definition of timberland.

COMPATIBLE USE: Existing infrastructure on the properties does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber.

Timber Management Plan Prepared By:


Joseph Culver

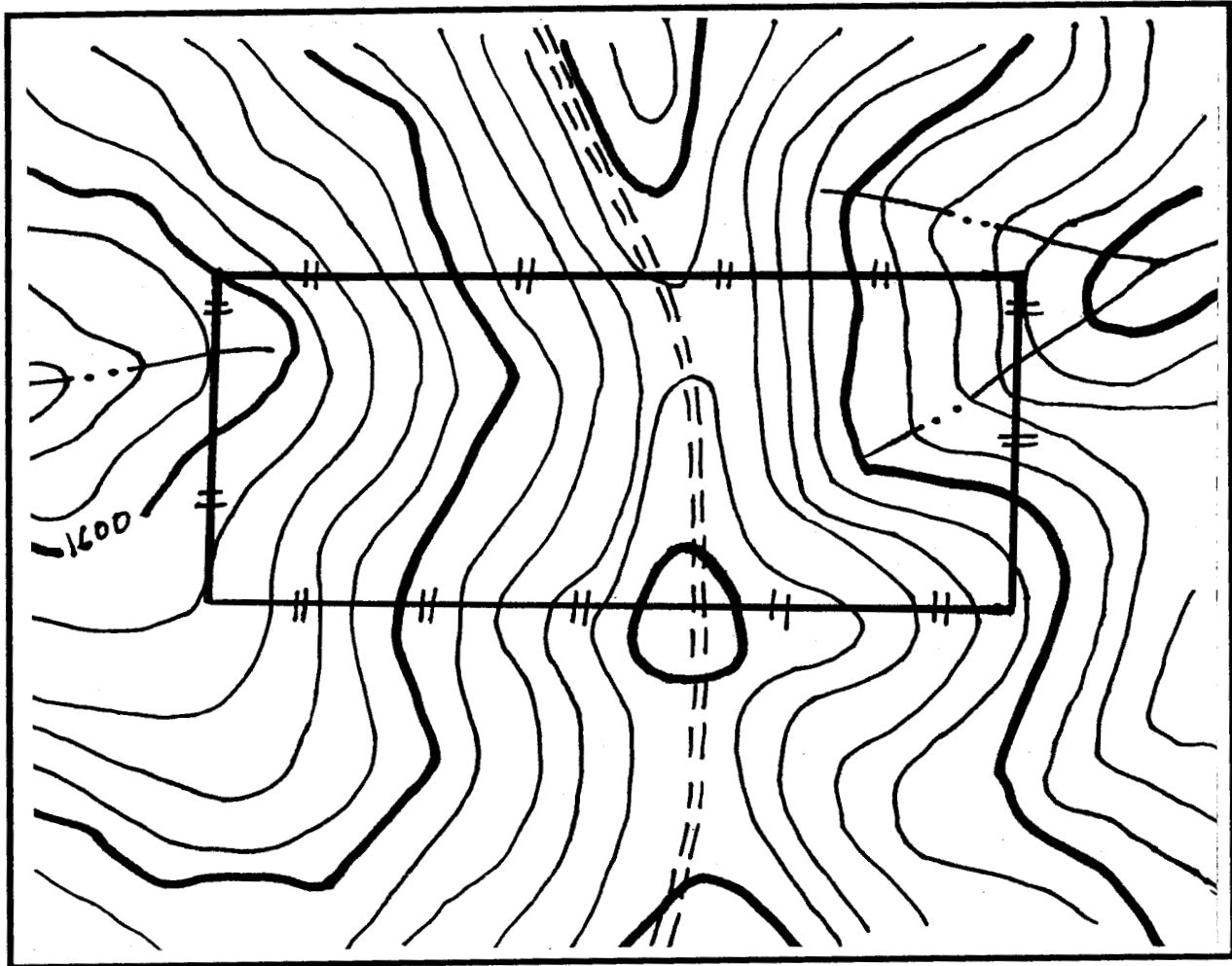
Registered Professional Forester #2674

9/12/07
Date

LANDS OF CHODOROW

PLAN AREA MAP

SANTA CRUZ COUNTY
T8S, R2W, SEC. 29, MDB&M



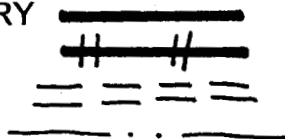
LEGEND

PROPERTY BOUNDARY

FOREST BOUNDARY

SEASONAL ROAD

WATERCOURSE



SCALE: 1 INCH = 300

CONTOUR INTERVAL = 40 FEET



48186

APN: 89-011-16

RECORD AT
REQUEST OF
 RE 3
 MI 7
 SF 1
 SM 10
 LN
 CO
 OP paril
SANTA CRUZ
COUNTY RECORDER

'90 JUL 23 PM 2 39

RECORDED

048186

 ENO
 WHEN RECORDED RETURN TO:
 Marvin & Leah T. Chodorow, Trustees
 809 San Francisco Terrace
 Stanford, CA 94305
Mail tax statements to: Same as Above

The undersigned grantors declare: this is a transfer to a revocable grantor trust exempt from reassessment under Section 62(d) of Rev. and Tax. Code; realty was not sold; no documentary transfer tax is due; and the realty is in the County of Santa Cruz.

GRANT DEED

MARVIN CHODOROW and LEAH T. CHODOROW, husband and wife, as community property, hereby GRANT to MARVIN CHODOROW and LEAH T. CHODOROW or their successors, as Trustees, THE CHODOROW FAMILY TRUST U/D MAY 22, 1990, all of their interest in that certain real property situate in the County of Santa Cruz, State of California, described as follows:

The South one-half of the Southeast Quarter of the Southeast Quarter of Section 29, T. 8 S., R. 2 W., M. D. B. & M.

Excepting therefrom an undivided 1/2 interest in and to all oil, gas, and other hydrocarbon substances and mineral rights, as reserved in that certain Deed recorded June 17, 1963, in Volume 1548, page 21, Official Records of Santa Cruz County.

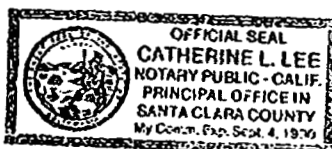
Dated: May 22, 1990

Marvin Chodorow
MARVIN CHODOROW

Leah T. Chodorow
LEAH T. CHODOROW

STATE OF CALIFORNIA)
)ss.
COUNTY OF SANTA CLARA)

On May 22, 1990, before me, the undersigned, a Notary Public for the State of California, personally appeared MARVIN CHODOROW and LEAH T. CHODOROW, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged that they executed it.



Catherine L. Lee
Notary Public in and for said County and State

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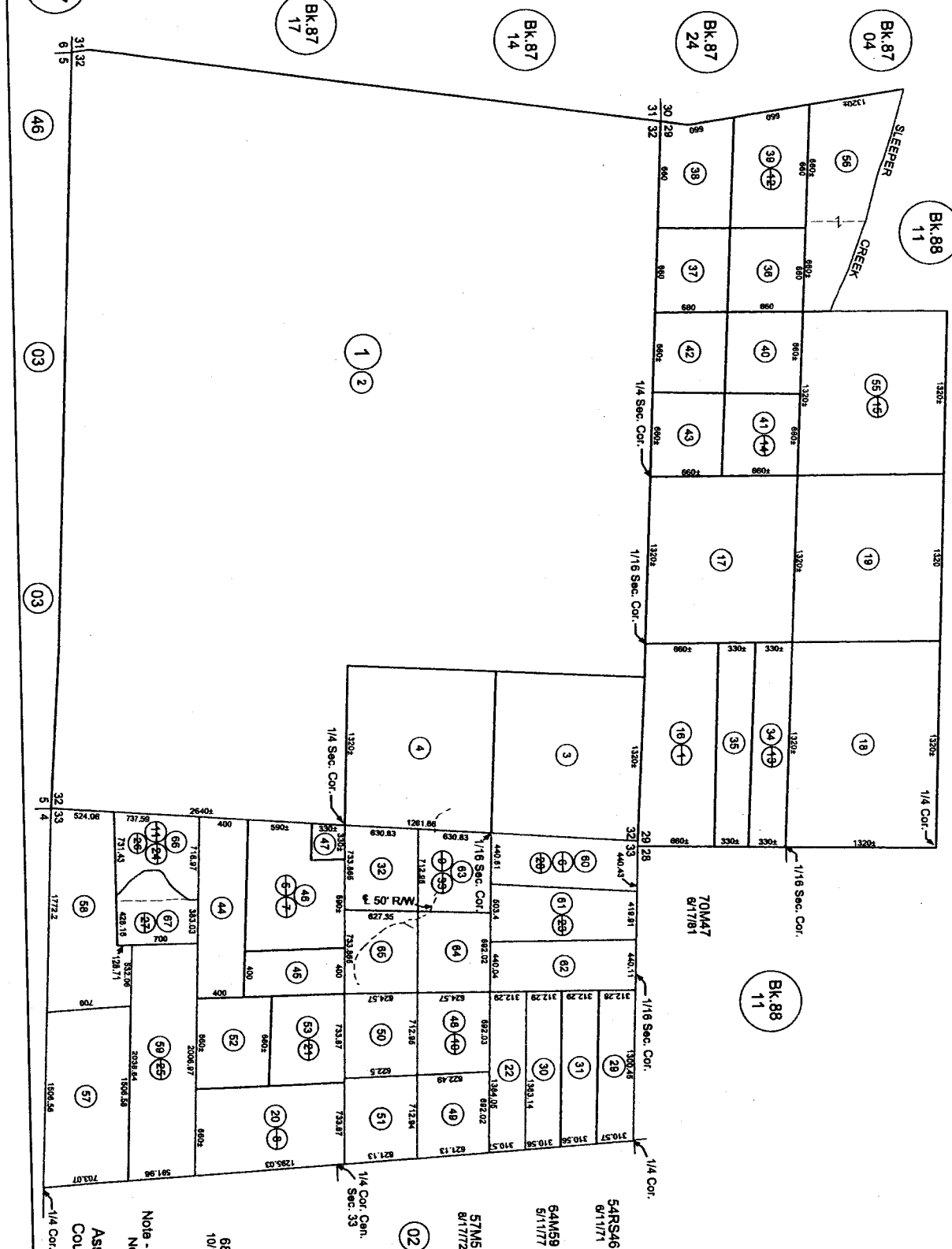
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Rev. 8/2/05 mvm (5-0027856 & 7, LBA 1-86 & 67)

POR. SECS. 29, 32 & 33, T.8S., R.2W., M.D.B. & M.

Tax Area Code
90-109

89-01

EXHIBIT



**Note - Assessor's Parcel & Block
Numbers Shown in Circles.**

Assessor's Map No. 89-01
County of Santa Cruz, Calif.
Dec. 1999

-1/4 Cor.